

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA DEPARTMENT OF TOXIC)	
SUBSTANCES CONTROL,)	2:02-cv-00018-GEB-GGH
)	
Plaintiff,)	
)	
v.)	<u>ORDER REFERRING CASE TO VDRP,</u>
)	<u>DEEMING PENDING MOTION TO</u>
)	<u>STRIKE WITHDRAWN AND</u>
CHARLES V. KESTER, ET AL.,)	<u>CONTINUING STATUS (PRETRIAL</u>
)	<u>SCHEDULING) CONFERENCE</u>
Defendants.)	
)	
)	
AND RELATED CROSS-CLAIMS,)	
COUNTERCLAIMS, and THIRD-PARTY)	
ACTIONS)	
)	

Plaintiff filed a "Request for Referral to Voluntary Dispute Resolution Program (VDRP)" on October 26, 2010, in which it states:

Plaintiff, California Department of Toxic Substances Control ("DTSC") requests that the Court refer the above-entitled action to the Voluntary Dispute Resolution Program ("VDRP") for mediation. In addition to DTSC, the following parties have stipulated to elect referral to VRDP: defendants John L. Sullivan Chevrolet, Inc., Gordon Turner Motors, Maita Chevrolet Geo, Inc., Kilgore & White Rock, LLC and Charles V. Kester. Stipulations by these parties are submitted herewith.

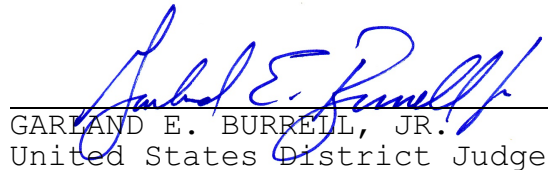
(ECF No. 1176.) Plaintiff also filed stipulations to elect referral to VDRP by Defendants John L. Sullivan Chevrolet, Maita Chevrolet Geo, Inc., Kilgore & White Rock LLC, and Charles V. Kester on October 26, 2010. (ECF No. 1177.) Therefore, this matter is referenced to VDRP.

1 Further, Plaintiff's pending Motion to Strike Affirmative
2 Defenses, Demand for Jury Trial and Prayer for Attorney's Fees of John
3 L. Sullivan Chevrolet and Gordon Turner Motors (ECF No. 1171) is deemed
4 withdrawn and can be re-filed if the referral to VDRP does not result in
5 settlement of the action.

6 Lastly, the Status Conference scheduled for December 13, 2010,
7 is continued to commence at 9:00 a.m. on June 13, 2011. A joint status
8 report shall be filed fourteen (14) days prior to the status conference.

9 IT IS SO ORDERED.

10 Dated: October 26, 2010

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13 GARLAND E. BURRELL, JR.
14 United States District Judge
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